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|---|-------------|----------------------|-----------------------------------|------------------------|
| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.               | CONFIRMATION NO.       |
| 09/451,870  | 12/01/1999  | MASAMICHI ITO        | 862.3155                          | 9611                   |
| 5514 7590 09/27/2007<br>FITZPATRICK CELLA HARPER & SCINTO<br>30 ROCKEFELLER PLAZA<br>NEW YORK, NY 10112 |             |                      | EXAMINER<br>VAN HANDEL, MICHAEL P |                        |
|   |             |                      | ART UNIT<br>2623                  | PAPER NUMBER           |
|   |             |                      | MAIL DATE<br>09/27/2007           | DELIVERY MODE<br>PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                       |                                   |  |
|------------------------------|---------------------------------------|-----------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>09/451,870  | <b>Applicant(s)</b><br>ITO ET AL. |  |
|                              | <b>Examiner</b><br>Michael Van Handel | <b>Art Unit</b><br>2623           |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 7/06/2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 14, 102 and 104-107 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14, 102, 104-107 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is responsive to an Amendment filed 7/06/2007. Claims **14, 102, 104-107** are pending. Claims **14, 102** are amended. Claims **1-13, 15-101, 103** are canceled. Claims **104-107** are new.

### ***Response to Arguments***

1. Applicant's arguments regarding claims **104, 106, and 107**, filed 7/06/2007, have been fully considered, but they are not persuasive.

Regarding claims **104, 106, and 107**, the applicant argues that Shoff et al. fails to disclose or suggest synthesizing the specified images based on the user layout data read out from the storage in accordance with the detected program ID when it is determined that the detected and registered program IDs are coincident, and synthesizing those images based on the basic layout and the character command when it is determined that the detected and registered program IDs are not coincident. The examiner respectfully disagrees.

Shoff et al. discloses an interactive entertainment system that enables presentation of supplemental interactive content along side traditional broadcast video programs, such as television shows and movies. A viewer computing unit is located at the viewer's home to present the program and supplemental content to a viewer. When the viewer tunes to a particular channel, the viewer computing unit consults an electronic programming guide (EPG) to determine if the present program carried on the channel is interactive. If it is, the viewer

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computing unit launches a browser. The browser uses a target specification stored in the EPG to activate a target resource containing the supplemental content for enhancing the broadcast program. The target resource contains display layout instructions prescribing how the supplemental content and the video content program are to appear in relation to one another when displayed. When the data from the target resource is downloaded, the viewer computing unit is responsive to the layout instructions obtained from the target resource to display the supplemental content concurrently with the video content program (see Abstract).

Shoff et al. further discloses that the viewer computing unit can automatically activate a target resource as soon as the browser is loaded on the processor upon determining that a program is interactive capable (col. 9, l. 1-8, 60-65). Shoff et al. describes the "Access" mode as the default mode of interactivity, which contains main menu functionality (col. 11, l. 12-16 & Fig. 8b). The examiner interprets this default mode as a "basic layout" that is displayed when the viewer computing unit automatically activates a target resource upon discovering that a tuned program is interactive capable. Shoff et al. further discloses that, once in the access mode, soft buttons 212-221 present various control options to the viewer to invite interactive involvement with the program (col. 11, l. 1-2). Soft buttons 218-220 enable selection of different types of supplemental content (col. 11, 25-26). The examiner interprets the selection of a soft button 212-221 as changing the display to a "user layout," since the default screen (Fig. 8b) is changed in response to the user selection (col. 11, l. 55-59). Shoff et al. still further discloses that soft button 219 is associated with a program guide, which provides a listing of current Star Trek shows for a two week period. This program guide permits the user to change channels to another channel carrying a Star Trek show, if available (col. 11, l. 34-38). The examiner notes that this

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results in restarting the method of Fig. 6. If the other Star Trek show is also interactive capable, a target resource will be activated to display another default interactive screen (col. 8, l. 62-67; col. 9, l. 1-1-8, 20-29, 60-65; & Fig. 6). That is, the examiner interprets the selection of soft buttons in interactive content as “synthesizing the specified images based on the user layout data read out from the storage in accordance with the detected program ID when it is determined that the detected and registered program IDs are coincident” as long as the user remains tuned to the same channel and does not select the quit button 221. The examiner interprets changing channels in response to user selection of an interactive show through the program guide as “synthesizing those images based on the basic layout and the character command when it is determined that the detected and registered program IDs are not coincident,” as currently claimed.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims **14, 102, and 104-107** are rejected under 35 U.S.C. 102(e) as being anticipated by Shoff et al.

Referring to claim **14**, Shoff et al. discloses an apparatus according to claim 104, further comprising a reproducer arranged to reproduce the display image generated by said synthesizer (col. 4, l. 22-34).

Referring to claim **102**, Shoff et al. discloses an apparatus according to claim 104, wherein the user layout further effects a change in audio output format (col. 5, l. 16-18 & col. 11, l. 15-18).

Referring to claims **104**, **106**, and **107**, Shoff et al. discloses an apparatus/method/program for receiving a television program, comprising:

- a receiver, arranged to receive a bit stream broadcasted as the television program, wherein in the bit stream is multiplexed first image data encoded by a first coding format (video stream), second image data encoded by a second coding format (supplemental content), and system data (timing information, display layout, tuned channel, time slot, text of hypertext document, etc.)(col. 4, l. 62-67; col. 5, l. 1-5, 12-32; col. 6, l. 7-22; col. 9, l. 8-19; & col. 10, l. 3-23, 34-58);
- a first decoder 98, arranged to decode the first image data to generate a first image (col. 10, l. 18-24 & Figs. 5-7);
- a second decoder 100, arranged to decode the second image data to generate a second image (supplemental content (col. 5, l. 12-33);
- a third decoder (processor 92), arranged to decode the system data (col. 10, l. 3-17, 34-58);
- a detector, arranged to detect at least a basic layout depending on the television program (the examiner notes that in tuning a particular television program, it is

- determined whether the program is interactive. If it is, the viewer computing unit automatically activates a target resource, resulting in a screen, such as that shown in Fig. 8b)(col. 8, l. 62-67; col. 9, l. 1-8, 60-65; & Fig. 8b), a program ID of the television program which is in the midst of being received (col. 8, l. 62-67; col. 9, l. 1; & Fig. 3), and a character command, from the decoded system data, wherein the character command indicates generation of a character image and a layout of the character image (the examiner notes that text is displayed according to a display layout)(col. 2, l. 6-8; col. 10, l. 34-58; col. 13, l. 17-21; & col. 14, l. 18-20), and the program ID is uniquely specified for each television program (Fig. 3);
- a character generator, arranged to generate a character image indicated by the detected character command using internal character data (the examiner notes that HTML documents inherently include presentational markup elements that indicate how a web browser should render text, for instance, in bold)(col. 2, l. 6-8; col. 5, l. 23-48; & col. 12, l. 63-67);
  - a setter (remote control handset), arranged to set a user layout to display images represented by the first image, the second image, and the character image corresponding to the program ID (when in the interactive screen illustrated in Fig. 8b, the user can select soft buttons 212-221, such as a program guide button 219)(col. 11, l. 34-38 & Fig. 8b);
  - a storage, arranged to store user layout data, which corresponds to the user layout set by said setter, corresponding to the program ID (the examiner notes that the supplemental content including the display layout is downloaded. The display layout

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is changed in response to viewer selection of a soft button)(col. 10, l. 18-24; col. 11, l. 48-59; & Fig. 8b);

- a determiner, arranged to determine whether or not the program ID detected by said detector is coincident with a registered program ID corresponding to the user layout data stored in said storage (the examiner notes that, while viewing the program guide, the user can tune to a different channel)(col. 8, l. 62-67; col. 9, l. 1-8; & col. 11, l. 36-38); and
- a synthesizer, arranged to synthesize the first image, the second image, and the character image based on the user layout data read out from said storage in accordance with the detected program ID when said determiner determines that the detected and registered program IDs are coincident (as long as the user does not tune to a different channel)(col. 11, l. 34-38), and to synthesize those images based on the basic layout and the character command detected by said detector when said determiner determines that the detected and registered program IDs are not coincident (if the user tunes to a new interactive channel)(col. 11, l. 34-39), so that a display image of the television program is generated (Fig. 8b).

Referring to claim **105**, Shoff et al. discloses an apparatus according to claim 104, wherein said setter sets a position and/or size of the first image, the second image, and the character image individually (the examiner notes that clicking a soft button causes a change in the display, which causes size and shape changes in the program boundary and size, style, and location changes in the display of the supplemental content. Since the supplemental content is a hypertext document that defines text, graphics, video, picture, and sound objects as individual



elements within the hypertext document, the examiner interprets the selection of a soft button as implicitly setting the position and/or size of the video program, supplemental content, and text individually)(col. 10, l. 34-58 & col. 11, l. 56-59).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Van Handel whose telephone number is 571-272-5968. The examiner can normally be reached on 8:00am-5:30pm Mon.-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MVH

  
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